

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of:)Attorney Docket No.: F-791-O1
Robert H. Kummer, Jr. et al.)Group Art Unit: 3628
Serial No.: 10/823,032)Examiner: E. Liou
Filed: April 13, 2004)Date: May 22, 2008
Confirmation No.: 3383	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' BRIEF ON APPEAL

Sir:

This is an appeal pursuant to 35 U.S.C. § 134 and 37 C.F.R. §§ 1.191 et seq. from the final rejection of claims 1-19 of the above-identified application mailed Dec. 31, 2007. A Notice of Appeal was filed on March 26, 2008.

The Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. **16-1885**.

I. Real Party in Interest

The real party in interest in this appeal is Pitney Bowes Inc., a Delaware corporation, the assignee of this application.

II. Related Appeals and Interferences

There are no appeals or interferences known to Appellants, their legal representative, or the assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. Status of Claims

Claims 1-19 are pending in this application and are on appeal. Claims 1 and 8 stand rejected under 35 U.S.C. §102(b) as being anticipated by Eskandari et al. (U.S. 2002/0133471). Claims 2, 4, 5, 9, 11 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Eskandari et al. Claims 3 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Eskandari et al. in view of Choksi et al. (U.S. 6,477,243). Claims 6, 13, 15, 16 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Eskandari et al. in view of Montgomery et al. (U.S. 2003/0101148). Claims 7 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Eskandari et al. in view of Shaw et al. (U.S. 2002/0176111). Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Eskandari et al. in view of Montgomery et al. and further in view of Choksi et al. Claim 19 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Eskandari et al. in view of Montgomery et al. and further in view of Shaw et al.

IV. Status of Amendments

There were no amendments to the claims filed subsequent to the Office Action dated Dec. 31, 2007. Therefore, the claims as set forth in Appendix A to this brief are those as set forth before the final rejection.

V. Summary of Claimed Subject Matter

This summary and references to specific page and line numbers, figures and reference characters is not intended to supplant or limit the description of the claimed subject matter as provided in the claims as recited in Appendix A, as understood in light of the entire specification.

Appellants' invention is directed to remotely enabling and disabling features in a mailing system that is easy to implement, cost effective, and can optimize the memory space in a mailing system. When a customer desires to change the operating features of a mailing system, the customer places an order with a data center. The data center generates a file that identifies each of the features that should be enabled within the mailing system, and the file is sent to the mailing system, along with any files required to implement and support the enabled features, via a network. The mailing system will store the required files, and purge any files no longer required to implement and support any features that are no longer enabled. The enabling and disabling of operating features in a mailing system according to embodiments of the present invention is performed remotely utilizing a data center, and does not require a customer service representative to physically visit the location at which the mailing system is installed.

Independent claim 1 is directed to a method for a mailing machine to change operational features that comprises "establishing a communication link with a remote data center via a network;" (see Fig. 1, item 30 and corresponding description in paragraphs [0018] and [0020]), "receiving from the remote data center, via the communication link, a directory file, the directory file including an indication of all operational features that should be enabled within the mailing machine, each of the operational features having at least one associated operating file required to implement the operational feature;" (see Fig. 2, item 72 and corresponding description in paragraph [0021]), "determining if an operating file stored in a memory of the mailing machine

is not associated with an operational feature indicated in the directory file;” (see Fig. 2, items 76, 78 and corresponding description in paragraph [0023]), “and deleting any operating files stored in the memory of the mailing machine that are not associated with an operational feature indicated in the directory file, wherein deletion of any operating file stored in the memory of the mailing machine that is not associated with an operational feature indicated in the directory file disables an operational feature with which the deleted operating file is associated.” (See Fig. 2, item 80 and corresponding description in paragraph [0024]).

Independent claim 8 is directed to a mailing machine adapted to have operational features remotely changed that comprises “means for establishing a communication link with a data center via a network to receive from the data center, via the communication link, a directory file, the directory file including an indication of all operational features that should be enabled within the mailing machine, each of the operational features having at least one associated operating file required to implement the operational feature;” (see Fig. 1, item 16 and corresponding description in paragraph [0015]), “means for determining if an operating file stored in a memory of the mailing machine is not associated with an operational feature indicated in the directory file;” (see Fig. 1, item 20 and corresponding description in paragraphs [0015] and [0023]), “and means for deleting any operating files stored in the memory of the mailing machine that are not associated with an operational feature indicated in the directory file, wherein deletion of any operating file stored in the memory of the mailing machine that is not associated with an operational feature indicated in the directory file disables an operational feature with which the deleted operating file is associated.” (See Fig. 1, item 20 and corresponding description in paragraphs [0015] and [0024]).

Dependent claim 9 is directed to the mailing machine of claim 8, that further comprises “means for receiving from the data center at least one operating file associated with a new operational feature to be enabled in the mailing machine, the directory file including an indication of the new operation feature;” (see Fig. 1, item 16 and corresponding description in paragraphs [0019]), “and means for storing the at least one operating file associated with the new operational feature in the memory of the mailing machine.” (See Fig. 1, item 16 and corresponding description in paragraph [0022]).

Independent claim 15 is directed to a mailing machine that comprises “a modem adapted to communicate with a remote data center via a network, the mailing machine adapted to receive from the data center a directory file and at least one operating file associated with a new operational feature to be enabled in the mailing machine, the directory file including an indication of all operational features that should be enabled within the mailing machine, each of the operational features having at least one associated operating file required to implement the operational feature;” (See Fig. 1, item 16 and corresponding description in paragraph [0015], “a memory;” (See Fig. 1, item 22 and corresponding description in paragraph [0015], “a controller coupled to the modem and memory, the controller adapted to determine if an operating file stored in the memory is not associated with an operational feature indicated in the directory file and delete any operating files stored in the memory that are not associated with an operational feature indicated in the directory file, wherein deletion of any operating file stored in the memory of the mailing machine that is not associated with an operational feature indicated in the directory file disables an operational feature with which the deleted operating file is associated.” (See Fig. 1, item 20 and corresponding description in paragraphs [0015] and [0024]).

Additional features of the invention are discussed below in the Argument section of this Brief.

VI. Grounds of Rejection to be Reviewed on Appeal

A. Whether the subject matter of defined in claims 1 and 8 is anticipated by Eskandari et al. (U.S. 2002/0133471).

B. Whether the subject matter defined in claims 2, 4, 5, 9, 11 and 12 is obvious over Eskandari et al.

C. Whether the subject matter defined in claims 3 and 10 is obvious over Eskandari et al. in view of Choksi et al. (U.S. 6,477,243).

D. Whether the subject matter defined in claims 6, 13, 15, 16 and 18 is obvious over Eskandari et al. in view of Montgomery et al. (U.S. 2003/0101148).

E. Whether the subject matter defined in claims 7 and 14 is obvious over Eskandari et al. in view of Shaw et al (U.S. 2002/0176111).

F. Whether the subject matter defined in claim 17 is obvious over Eskandari et al. in view of Montgomery et al. and further in view of Choksi et al.

G. Whether the subject matter defined in claim 19 is obvious over Eskandari et al. in view of Montgomery et al. and further in view of Shaw et al.

VII. Argument

As discussed in detail below, the final rejection of claims 1-19 is devoid of any factual or legal premise that supports the position of unpatentability. It is respectfully submitted that the rejection does not even meet the threshold burden of presenting a prima facie case of unpatentability. For this reason alone, Appellants are entitled to grant of a patent. In re Oetiker, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992).

A. The subject matter defined in claims 1 and 8 is not anticipated by Eskandari et al. (U.S. 2002/0133471).

(i) Claim 1 is not anticipated by Eskandari et al.

Claim 1 is directed to a method for a mailing machine to change operational features that comprises “establishing a communication link with a remote data center via a network; receiving from the remote data center, via the communication link, a directory file, the directory file including an indication of all operational features that should be enabled within the mailing machine, each of the operational features having at least one associated operating file required to implement the operational feature; determining if an operating file stored in a memory of the mailing machine is not associated with an operational feature indicated in the directory file; and deleting any operating files stored in the memory of the mailing machine that are not associated with an operational feature indicated in the directory file, wherein deletion of any operating file stored in the memory of the mailing machine that is not associated with an operational feature

indicated in the directory file disables an operational feature with which the deleted operating file is associated.”

Eskandari is directed to a system for customizing a computerized system having a plurality of operating features. A franking system 11 includes operating features 12 which are not to be enabled for use. The system can be configured and the operating features 12 can be enabled and/or disabled by the entry of an authorization code 14. The authorization code can be generated based on the operating features selected by the customer.

In Eskandari, a currently enabled operating feature 32 can be selected to be disabled. The independent parameter 470 representing the enabled operating feature 32 can be removed from the franking system's parameter set 458. The secondary parameters 472 and dependent parameters 476 are selected based on the updated parameter set 458. A new authorization code is generated based on the updated parameter set 458, and is entered into the franking system 11. The enabled operating feature 32 is then disabled, and unavailable for use in the franking system 11. (Paragraph [0061]).

Thus, in Eskandari an operating feature is simply disabled. Note, however, that in Eskandari, there is no disclosure, teaching or suggestion of “deleting any operating files stored in the memory of the mailing machine that are not associated with an operational feature indicated in the directory file” as in the present invention. There is a difference between disabling a feature, i.e., making it non-operational, and deleting operating files stored in a memory. Simply disabling a feature in Eskandari does not delete operating files stored in a memory, it only operates to make the feature unavailable for use. As noted in paragraph [0035] of Eskandari, with the use of the authorization code 14 to enable and disable the operating features 12 of the franking system 11, the franking system 11 can be upgraded or downgraded at any point in the distribution chain without providing additional hardware or software for the franking system. In Eskandari, if the operating files for a disabled feature were deleted from the memory, then it would not be possible to upgrade the system without providing additional software for the system. Eskandari clearly teaches that the system can be upgraded or downgraded at any point without providing additional hardware or software for the franking system. To do this, the system in Eskandari can not delete any operating files stored in the memory. Thus, there is

clearly no disclosure, teaching or suggestion in Eskandari of deleting any operating files stored in the memory of the mailing machine that are not associated with an operation feature indicated in the directory file as is recited in claim 1.

Furthermore, removing the parameter 470 from the parameter set 458 does not delete an operating file. The parameter 470 is not the same as an operating file. The parameter 470 simply represents an operating feature that is added to a parameter set 358. As described in paragraph [0045] of Eskandari, a production system 310 includes a customer sheet system 356 for recording the operating features 12 selected by a customer. The sheet system 356 uses the selected operating feature 12 to generate at least one independent parameter 470 representing the selected operating feature 12. The independent parameter 470 is added to a parameter set 358.

Thus, the parameter 470 is no more than a code that represents the operating feature selected by the customer. The parameter 470 is not in any way the same as, or even similar to, an operating file as in the present invention.

For at least the above reasons, Appellants respectfully submit that that the final rejection as to claim 1 is in error and should be reversed.

(ii) Claim 8 is not anticipated by Eskandari et al.

Independent claim 8 is directed to a mailing machine adapted to have operational features remotely changed that comprises “means for establishing a communication link with a data center via a network to receive from the data center, via the communication link, a directory file, the directory file including an indication of all operational features that should be enabled within the mailing machine, each of the operational features having at least one associated operating file required to implement the operational feature; means for determining if an operating file stored in a memory of the mailing machine is not associated with an operational feature indicated in the directory file; and means for deleting any operating files stored in the memory of the mailing machine that are not associated with an operational feature indicated in the directory file, wherein deletion of any operating file stored in the memory of the mailing machine that is not associated with an operational feature indicated in the directory file disables an operational feature with which the deleted operating file is associated.”

As noted above, Eskandari is directed to a system for customizing a computerized system having a plurality of operating features. A franking system 11 includes operating features 12 which are not to be enabled for use. The system can be configured and the operating features 12 can be enabled and/or disabled by the entry of an authorization code 14. The authorization code can be generated based on the operating features selected by the customer.

In Eskandari, a currently enabled operating feature 32 can be selected to be disabled. The independent parameter 470 representing the enabled operating feature 32 can be removed from the franking system's parameter set 458. The secondary parameters 472 and dependent parameters 476 are selected based on the updated parameter set 458. A new authorization code is generated based on the updated parameter set 458, and is entered into the franking system 11. The enabled operating feature 32 is then disabled, and unavailable for use in the franking system 11. (Paragraph [0061]).

Thus, in Eskandari an operating feature is simply disabled. Note, however, that in Eskandari, there is no disclosure, teaching or suggestion of "means for deleting any operating files stored in the memory of the mailing machine that are not associated with an operational feature indicated in the directory file" as in the present invention. There is a difference between disabling a feature, i.e., making it non-operational, and deleting operating files stored in a memory. Simply disabling a feature in Eskandari does not delete operating files stored in a memory, it only operates to make the feature unavailable for use. As noted in paragraph [0035] of Eskandari, with the use of the authorization code 14 to enable and disable the operating features 12 of the franking system 11, the franking system 11 can be upgraded or downgraded at any point in the distribution chain without providing additional hardware or software for the franking system. In Eskandari, if the operating files for a disabled feature were deleted from the memory, then it would not be possible to upgrade the system without providing additional software for the system. Eskandari clearly teaches that the system can be upgraded or downgraded at any point without providing additional hardware or software for the franking system. To do this, the system in Eskandari can not delete any operating files stored in the memory. Thus, there is clearly no disclosure, teaching or suggestion in Eskandari of a means for deleting any operating files stored in the memory of the mailing machine that are not associated with an operation feature indicated in the directory file as is recited in claim 8.

Furthermore, removing the parameter 470 from the parameter set 458 does not delete an operating file. The parameter 470 is not the same as an operating file. The parameter 470 simply represents an operating feature that is added to a parameter set 358. As described in paragraph [0045] of Eskandari, a production system 310 includes a customer sheet system 356 for recording the operating features 12 selected by a customer. The sheet system 356 uses the selected operating feature 12 to generate at least one independent parameter 470 representing the selected operating feature 12. The independent parameter 470 is added to a parameter set 358.

Thus, the parameter 470 is no more than a code that represents the operating feature selected by the customer. The parameter 470 is not in any way the same as, or even similar to, an operating file as in the present invention.

For at least the above reasons, Appellants respectfully submit that the final rejection as to claim 8 is in error and should be reversed.

B. The subject matter defined in claims 2, 4, 5, 9, 11 and 12 is not obvious over Eskandari et al.

(i) Claim 2 is not obvious over Eskandari et al.

Claim 2 is dependent upon claim 1, and therefore includes all of the limitations of claim 1. As noted above with respect to claim 1, Eskandari does not disclose, teach or suggest all of the limitations of claim 1. For the same reasons given above with respect to claim 1, Appellants respectfully submit that the final rejection as to claim 2 is in error and should be reversed.

In addition, claim 2 is patentable separate and apart from its dependency on claim 1 in that it includes novel limitations and a unique combination that would not have been obvious at the time of the invention. Claim 2 includes the additional limitations of receiving from the data center at least one operating file associated with a new operational feature to be enabled in the mailing machine, the directory file including an indication of the new operation feature; and storing the at least one operating file associated with the new operational feature in the memory of the mailing machine.

In Eskandari, the franking module 22 includes all variants of behavior such as a plurality of operating features, some of which are not enabled for use. The franking system 11 can be configured and the operating features enabled/disabled by the entry of an authorization code 14. The operating features 12 enabled and disabled by the new authorization code 14 take effect after the input of the authorization code 14 and the restart of the franking system 11. (Paragraph [0031]).

Thus, in Eskandari, the franking system includes the software necessary for enabling all possible operating features when it is manufactured which are enabled or disabled by the use of an authorization code. The authorization code, however, is not the same as an operating file associated with a new operational feature. The system in Eskandari does not receive any operating files from a data center – they are all already installed in the system and simply enabled by entry of an authorization code. There is no disclosure, teaching or suggestion in Eskandari of “receiving from the data center at least one operating file associated with a new operational feature to be enabled in the mailing machine, the directory file including an indication of the new operation feature; and storing the at least one operating file associated with the new operational feature in the memory of the mailing machine.”

For at least the above reasons, Appellants respectfully submit that the final rejection as to claim 2 is in error and should be reversed.

(ii) Claims 4 and 5 are not obvious over Eskandari et al.

Claims 4 and 5 are dependent upon claim 1, and therefore include all of the limitations of claim 1. As noted above with respect to claim 1, the reference to Eksnadari does not disclose, teach or suggest all of the limitations of claim 1. For the same reasons given above with respect to claim 1, Appellants respectfully submit that the final rejection as to claims 4 and 5 is in error and should be reversed.

(iii) Claim 9 is not obvious over Eskandari.

Claim 9 is dependent upon claim 8, and therefore includes all of the limitations of claim 8. As noted above with respect to claim 8, the reference to Eksnadari does not disclose, teach or suggest all of the limitations of claim 8. For the same reasons given above with respect to claim

8, Appellants respectfully submit that the final rejection as to claim 9 is in error and should be reversed.

In addition, claim 9 is patentable separate and apart from its dependency on claim 8 in that it includes novel limitations and a unique combination that would not have been obvious at the time of the invention. Claim 9 includes the additional limitations of means for receiving from the data center at least one operating file associated with a new operational feature to be enabled in the mailing machine, the directory file including an indication of the new operation feature; and means for storing the at least one operating file associated with the new operational feature in the memory of the mailing machine.

In Eskandari, the franking module 22 includes all variants of behavior such as a plurality of operating features, some of which are not enabled for use. The franking system 11 can be configured and the operating features enabled/disabled by the entry of an authorization code 14. The operating features 12 enabled and disabled by the new authorization code 14 take effect after the input of the authorization code 14 and the restart of the franking system 11. (Paragraph [0031]).

Thus, in Eskandari, the franking system includes the software necessary for enabling all possible operating features when it is manufactured which are enabled or disabled by the use of an authorization code. The authorization code, however, is not the same as an operating file associated with a new operational feature. The system in Eskandari does not receive any operating files from a data center – they are all already installed in the system and simply enabled by entry of an authorization code. There is no disclosure, teaching or suggestion in Eskandari of “means for receiving from the data center at least one operating file associated with a new operational feature to be enabled in the mailing machine, the directory file including an indication of the new operation feature; and means for storing the at least one operating file associated with the new operational feature in the memory of the mailing machine.”

For at least the above reasons, Appellants respectfully submit that the final rejection as to claim 9 is in error and should be reversed.

(iv) Claims 11 and 12 are not obvious over Eskandari.

Claims 11 and 12 are dependent upon claim 8, and therefore include all of the limitations of claim 8. As noted above with respect to claim 8, the reference to Eksnadari does not disclose, teach or suggest all of the limitations of claim 8. For the same reasons given above with respect to claim 8, Appellants respectfully submit that the final rejection as to claims 11 and 12 is in error and should be reversed.

C. The subject matter defined in claims 3 and 10 is not obvious over Eskandari et al. in view of Choksi et al. (U.S. 6,477,243).

Claim 3 is dependent upon claim 1, and therefore includes all of the limitations of claim 1. As noted above with respect to claim 1, Eskandari does not disclose, teach or suggest all of the limitations of claim 1. The reference to Choksi does not cure the above deficiencies, as it was relied upon for other features. For the same reasons given above with respect to claim 1, Appellants respectfully submit that the final rejection as to claim 3 is in error and should be reversed.

Claim 10 is dependent upon claim 8, and therefore includes all of the limitations of claim 8. As noted above with respect to claim 8, Eskandari does not disclose, teach or suggest all of the limitations of claim 8. The reference to Choksi does not cure the above deficiencies, as it was relied upon for other features. For the same reasons given above with respect to claim 8, Appellants respectfully submit that the final rejection as to claim 10 is in error and should be reversed.

D. The subject matter defined in claims 6, 13, 15, 16 and 18 is not obvious over Eskandari et al. in view of Montgomery et al. (U.S. 2003/0101148).

(i) Claims 6 and 13 are not obvious over Eskandari et al. in view of Montgomery et al.

Claim 6 is dependent upon claim 1, and therefore includes all of the limitations of claim 1. As noted above with respect to claim 1, Eskandari does not disclose, teach or suggest all of the limitations of claim 1. The reference to Montgomery et al. does not cure the above deficiencies, as it was relied upon for other features. For the same reasons given above with

respect to claim 1, Appellants respectfully submit that the final rejection as to claim 6 is in error and should be reversed.

Claim 13 is dependent upon claim 8, and therefore includes all of the limitations of claim 8. As noted above with respect to claim 8, Eskandari does not disclose, teach or suggest all of the limitations of claim 8. The reference to Montgomery et al. does not cure the above deficiencies, as it was relied upon for other features. For the same reasons given above with respect to claim 8, Appellants respectfully submit that the final rejection as to claim 13 is in error and should be reversed.

(ii) Claim 15 is not obvious over Eskandari et al. in view of Montgomery et al.

Independent claim 15 is directed to mailing machine that comprises “a modem adapted to communicate with a remote data center via a network, the mailing machine adapted to receive from the data center a directory file and at least one operating file associated with a new operational feature to be enabled in the mailing machine, the directory file including an indication of all operational features that should be enabled within the mailing machine, each of the operational features having at least one associated operating file required to implement the operational feature; a memory; a controller coupled to the modem and memory, the controller adapted to determine if an operating file stored in the memory is not associated with an operational feature indicated in the directory file and delete any operating files stored in the memory that are not associated with an operational feature indicated in the directory file, wherein deletion of any operating file stored in the memory of the mailing machine that is not associated with an operational feature indicated in the directory file disables an operational feature with which the deleted operating file is associated.”

As noted above, Eskandari is directed to a system for customizing a computerized system having a plurality of operating features. A franking system 11 includes operating features 12 which are not to be enabled for use. The system can be configured and the operating features 12 can be enabled and/or disabled by the entry of an authorization code 14. The authorization code can be generated based on the operating features selected by the customer.

In Eskandari, a currently enabled operating feature 32 can be selected to be disabled. The independent parameter 470 representing the enabled operating feature 32 can be removed from the franking system's parameter set 458. The secondary parameters 472 and dependent parameters 476 are selected based on the updated parameter set 458. A new authorization code is generated based on the updated parameter set 458, and is entered into the franking system 11. The enabled operating feature 32 is then disabled, and unavailable for use in the franking system 11. (Paragraph [0061]).

Thus, in Eskandari an operating feature is simply disabled. Note, however, that in Eskandari, there is no disclosure, teaching or suggestion of "means for deleting any operating files stored in the memory of the mailing machine that are not associated with an operational feature indicated in the directory file" as in the present invention. There is a difference between disabling a feature, i.e., making it non-operational, and deleting operating files stored in a memory. Simply disabling a feature in Eskandari does not delete operating files stored in a memory, it only operates to make the feature unavailable for use. As noted in paragraph [0035] of Eskandari, with the use of the authorization code 14 to enable and disable the operating features 12 of the franking system 11, the franking system 11 can be upgraded or downgraded at any point in the distribution chain without providing additional hardware or software for the franking system. In Eskandari, if the operating files for a disabled feature were deleted from the memory, then it would not be possible to upgrade the system without providing additional software for the system. Eskandari clearly teaches that the system can be upgraded or downgraded at any point without providing additional hardware or software for the franking system. To do this, the system in Eskandari can not delete any operating files stored in the memory.

Furthermore, removing the parameter 470 from the parameter set 458 does not delete an operating file. The parameter 470 is not the same as an operating file. The parameter 470 simply represents an operating feature that is added to a parameter set 358. As described in paragraph [0045] of Eskandari, a production system 310 includes a customer sheet system 356 for recording the operating features 12 selected by a customer. The sheet system 356 uses the selected operating feature 12 to generate at least one independent parameter 470 representing the selected operating feature 12. The independent parameter 470 is added to a parameter set 358.

Thus, the parameter 470 is no more than a code that represents the operating feature selected by the customer. The parameter 470 is not in any way the same as, or even similar to, an operating file as in the present invention.

Thus, there is clearly no disclosure, teaching or suggestion in Eskandari of a controller adapted to determine if an operating file stored in the memory is not associated with an operation feature indicated in the directory file and delete any operating files stored in the memory that are not associated with an operation feature indicated in the direct file as is recited in claim 15.

The reference to Montgomery does not cure any of the above deficiencies, as the reference to Montgomery was relied upon solely to disclose the feature of a modem.

There is no disclosure, teaching or suggestion in Eskandari or Montgomery, either alone or in combination, of a controller adapted to determine if an operating file stored in the memory is not associated with an operation feature indicated in the directory file and delete any operating files stored in the memory that are not associated with an operation feature indicated in the direct file as is recited in claim 15.

For at least the above reasons, Appellants respectfully submit that the final rejection as to claim 15 is in error and should be reversed.

(iii) Claims 16 and 18 are not obvious over Eskandari et al. in view of Montgomery et al.

Claims 16 and 18 are dependent upon claim 15, and therefore include all of the limitations of claim 15. As noted above, the references to Eskandari and Montgomery do not disclose, teach or suggest all of the limitations of claim 15. For the same reasons given above with respect to claim 15, Appellants respectfully submit that the final rejection as to claims 16 and 18 is in error and should be reversed.

E. The subject matter defined in claims 7 and 14 is not obvious over Eskandari et al. in view of Shaw et al (U.S. 2002/0176111).

Claim 7 is dependent upon claim 1, and therefore includes all of the limitations of claim 1. As noted above, the reference to Eskandari does not disclose, teach or suggest all of the

limitations of claim 1. The reference to Shaw et al. does not cure any of the above deficiencies, as it was relied upon for other features. For the same reasons given above with respect to claim 1, Appellants respectfully submit that the final rejection as to claim 7 is in error and should be reversed.

Claim 14 is dependent upon claim 8, and therefore includes all of the limitations of claim 8. As noted above, the reference to Eskandari does not disclose, teach or suggest all of the limitations of claim 8. The reference to Shaw et al. does not cure any of the above deficiencies, as it was relied upon for other features. For the same reasons given above with respect to claim 8, Appellants respectfully submit that the final rejection as to claim 14 is in error and should be reversed.

F. The subject matter defined in claim 17 is not obvious over Eskandari et al. in view of Montgomery et al. and further in view of Choksi et al.

Claim 17 is dependent upon claim 15, and therefore includes all of the limitations of claim 15. As noted above, the references to Eskandari and Montgomery do not disclose, teach or suggest all of the limitations of claim 15. The reference to Choksi et al. does not cure any of the above deficiencies, as it was relied upon for other features. For the same reasons given above with respect to claim 15, Appellants respectfully submit that the final rejection as to claim 17 is in error and should be reversed.

G. The subject matter defined in claim 19 is not obvious over Eskandari et al. in view of Montgomery et al. and further in view of Shaw et al.

Claim 19 is dependent upon claim 15, and therefore includes all of the limitations of claim 15. As noted above, the references to Eskandari and Montgomery do not disclose, teach or suggest all of the limitations of claim 15. The reference to Shaw et al. does not cure any of the above deficiencies, as it was relied upon for other features. For the same reasons given above with respect to claim 15, Appellants respectfully submit that the final rejection as to claim 19 is in error and should be reversed.

VIII. Conclusion

In Conclusion, Appellants respectfully submit that the final rejection of claims 1-19 is in error for at least the reasons given above and should, therefore, be reversed.

Respectfully submitted,

/Brian A. Lemm/
Brian A. Lemm
Reg. No. 43,748
Attorney for the Appellants
Telephone (203) 924-3836

PITNEY BOWES INC.
Intellectual Property and
Technology Law Department
35 Waterview Drive
Shelton, Connecticut 06484-8000

Attachments - Appendix A – Claims Appendix (4 pages)
Appendix B – Evidence Appendix (1 page)
Appendix C – Related Proceedings Appendix (1 page)

APPENDIX A – Claims Appendix

1. A method for a mailing machine to change operational features comprising:

establishing a communication link with a remote data center via a network;

receiving from the remote data center, via the communication link, a directory file, the directory file including an indication of all operational features that should be enabled within the mailing machine, each of the operational features having at least one associated operating file required to implement the operational feature;

determining if an operating file stored in a memory of the mailing machine is not associated with an operational feature indicated in the directory file; and

deleting any operating files stored in the memory of the mailing machine that are not associated with an operational feature indicated in the directory file,

wherein deletion of any operating file stored in the memory of the mailing machine that is not associated with an operational feature indicated in the directory file disables an operational feature with which the deleted operating file is associated.

2. The method of claim 1, further comprising:

receiving from the data center at least one operating file associated with a new operational feature to be enabled in the mailing machine, the directory file including an indication of the new operational feature; and

storing the at least one operating file associated with the new operational feature in the memory of the mailing machine.

3. The method of claim 2, further comprising:

sending confirmation to the data center of receipt of the directory file and the at least one operating file associated with the new operational feature.

4. The method of claim 2, further comprising:

activating the at least one operating file associated with the new operational feature, thereby enabling the new operational feature in the mailing machine.

5. The method of claim 2, further comprising:

updating an activation status table stored in the memory of the mailing machine to correspond to the directory file.

6. The method of claim 2, wherein the directory file and at least one operating file are signed at the data center with a digital signature, the method further comprising:

verifying the digital signature, wherein if the digital signature does not verify, processing of the directory file and at least one operating file are not performed.

7. The method of claim 1, wherein operational features include accounting features, postal service features, type and capacity of external scales that can be utilized with the mailing machine, printing of ad slogans, printing of inscriptions, and data capture features.

8. A mailing machine adapted to have operational features remotely changed, the mailing machine comprising:

means for establishing a communication link with a data center via a network to receive from the data center, via the communication link, a directory file, the directory file including an indication of all operational features that should be enabled within the mailing machine, each of the operational features having at least one associated operating file required to implement the operational feature;

means for determining if an operating file stored in a memory of the mailing machine is not associated with an operational feature indicated in the directory file; and

means for deleting any operating files stored in the memory of the mailing machine that are not associated with an operational feature indicated in the directory file,

wherein deletion of any operating file stored in the memory of the mailing machine that is not associated with an operational feature indicated in the directory file disables an operational feature with which the deleted operating file is associated.

9. The mailing machine of claim 8, further comprising:

means for receiving from the data center at least one operating file associated with a new operational feature to be enabled in the mailing machine, the directory file including an indication of the new operational feature; and

means for storing the at least one operating file associated with the new operational feature in the mailing machine.

10. The mailing machine of claim 9, further comprising:

means for sending confirmation to the data center of receipt of the directory file and the at least one operating file associated with the new operational feature.

11. The mailing machine of claim 9, further comprising:

means for activating the at least one operating file associated with the new operational feature, thereby enabling the new operational feature in the mailing machine.

12. The mailing machine of claim 9, further comprising:

an activation status table stored in the memory of the mailing machine; and

means for updating the activation status table to correspond to the directory file.

13. The mailing machine of claim 9, wherein the directory file and at least one operating file are signed at the data center with a digital signature, the mailing machine further comprising:

means for verifying the digital signature, wherein if the digital signature does not verify, processing of the directory file and at least one operating file are not performed.

14. The mailing machine of claim 8, wherein operational features include accounting features, postal service features, type and capacity of external scales that can be utilized with the mailing machine, printing of ad slogans, printing of inscriptions, and data capture features.

15. A mailing machine comprising:

a modem adapted to communicate with a remote data center via a network, the mailing machine adapted to receive from the data center a directory file and at least one

operating file associated with a new operational feature to be enabled in the mailing machine, the directory file including an indication of all operational features that should be enabled within the mailing machine, each of the operational features having at least one associated operating file required to implement the operational feature;

a memory;

a controller coupled to the modem and memory, the controller adapted to determine if an operating file stored in the memory is not associated with an operational feature indicated in the directory file and delete any operating files stored in the memory that are not associated with an operational feature indicated in the directory file,

wherein deletion of any operating file stored in the memory of the mailing machine that is not associated with an operational feature indicated in the directory file disables an operational feature with which the deleted operating file is associated.

16. The mailing machine of claim 15, wherein the controller is further adapted to store the at least one operating file associated with the new operational feature in the memory and activate the at least one operating file associated with the new operational feature, thereby enabling the new operational feature in the mailing machine.

17. The mailing machine of claim 15, wherein the controller is further adapted to send confirmation, utilizing the modem, to the data center of receipt of the directory file and the at least one operating file associated with the new operational feature.

18. The mailing machine of claim 15, further comprising:

an activation status table stored in the memory, wherein the controller is further adapted to update the activation status table to correspond to the directory file.

19. The mailing machine of claim 15, wherein operational features include accounting features, postal service features, type and capacity of external scales that can be utilized with the mailing machine, printing of ad slogans, printing of inscriptions, and data capture features.

APPENDIX B – EVIDENCE APPENDIX

There is no evidence submitted pursuant to §§ 1.130, 1.131, or 1.132 or any other evidence entered by the examiner and relied upon by Appellants in the appeal.

APPENDIX C – RELATED PROCEEDINGS APPENDIX

There are no appeals or interferences are known to Appellants, their legal representative, or the assignee which may be directly related to, directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.